



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

JUN 27 2007

Regulatory Division
200602376

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200602376

Applicant: Fairgreen Development
Attention: Mr. Leo A. Morehouse, Jr.
6065 Roswell Road, Suite 900
Atlanta, Georgia 30328

Agent: Campbell Environmental, Inc.
Attention: Ms. Lorna Campbell
2328 Sanford Road
Decatur, Georgia 30033

Location of Proposed Work: The proposed project is located at Latitude 34° 02' 12" North and Longitude 84° 47' 48" West, one mile southwest the intersection of Harmony Church Road and Acris Oryllus Court, bounded to the north by Pumpkinvine Creek, near the City of Dallas, Paulding County, Georgia. Please see the attached Location Map (Figure 1).

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers:
Fairgreen Development proposes to construct a 458-acre residential subdivision known as "Edenwood". The project purpose is to provide single family residential housing for the growing need within the City of Dallas and the greater Paulding County metro area. The development will include the construction of road crossings, detention facilities, utilities (water and sewer), parking areas, amenity/recreation areas and grading for residential lots.

This project has been developed in phases, as Phase I of the project is currently under construction. Phase I was previously permitted under Nationwide Permit 39 (dated March 20, 2006, and modified on February 8, 2007) for two road crossings that impacted 228 linear feet of stream and 0.13-acre of wetland. As Phase II of the project, the applicant proposes to construct

five permanent road crossings that will impact 658 linear feet of stream and 0.34-acre of wetland. The project also proposes the construction of one temporary road crossing and eight sewer crossings that will temporarily impact 212 linear feet of stream. Please see the attached Wetland Impact Drawings (Figure 2).

The current development plan for the Edenwood Residential Development will require impacts to 373 linear feet of perennial stream, 497 linear feet of intermittent stream, and 0.34 acres of wetland associated with the construction of road crossings and sewer crossings. In accordance with the Savannah District's Standard Operating Procedure (SOP) for Compensatory Mitigation, the above impacts will require a total of 4,128.80 stream credits and 2.42 wetland credits as compensatory mitigation.

To offset the above aquatic impacts, the applicant proposes to conduct onsite riparian restoration at the confluence of Little Pumpkinvine and Pumpkinvine Creeks. Approximately 1,700 linear feet of riparian buffer will be restored with native trees and shrubs within a 200-foot buffer along one side of both Little Pumpkinvine and Pumpkinvine Creeks. This riparian restoration proposes to generate approximately 4,245 stream credits. The restoration area will be placed under a restrictive covenant to ensure that the site will be preserved in perpetuity. In supplement to the above restoration plan, the applicant proposes to purchase 2.42 wetland mitigation credits from an approved mitigation bank servicing the project area (Etowah River Basin – HUC 03150104).

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the US Army Corps of Engineers,

Savannah District, Regulatory Division, Piedmont Branch, 1590 Adamson Parkway, Suite 200, Morrow, Georgia.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (GAHPD) or any other interested party review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

The applicant has completed a Phase I Cultural Resources survey for this project and submitted a copy of the survey report in April 2007. USACE will review the report for compliance with Section 106 of the National Historic Preservation Act of 1966 and forward our comments (along with a copy of the completed survey report) to GAHPD for review and comment.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

The applicant's consultant provided the following statement in regards to listed threatened and endangered species: "There are known populations of federally listed fish species in Little Pumpkinvine Creek."

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic

properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

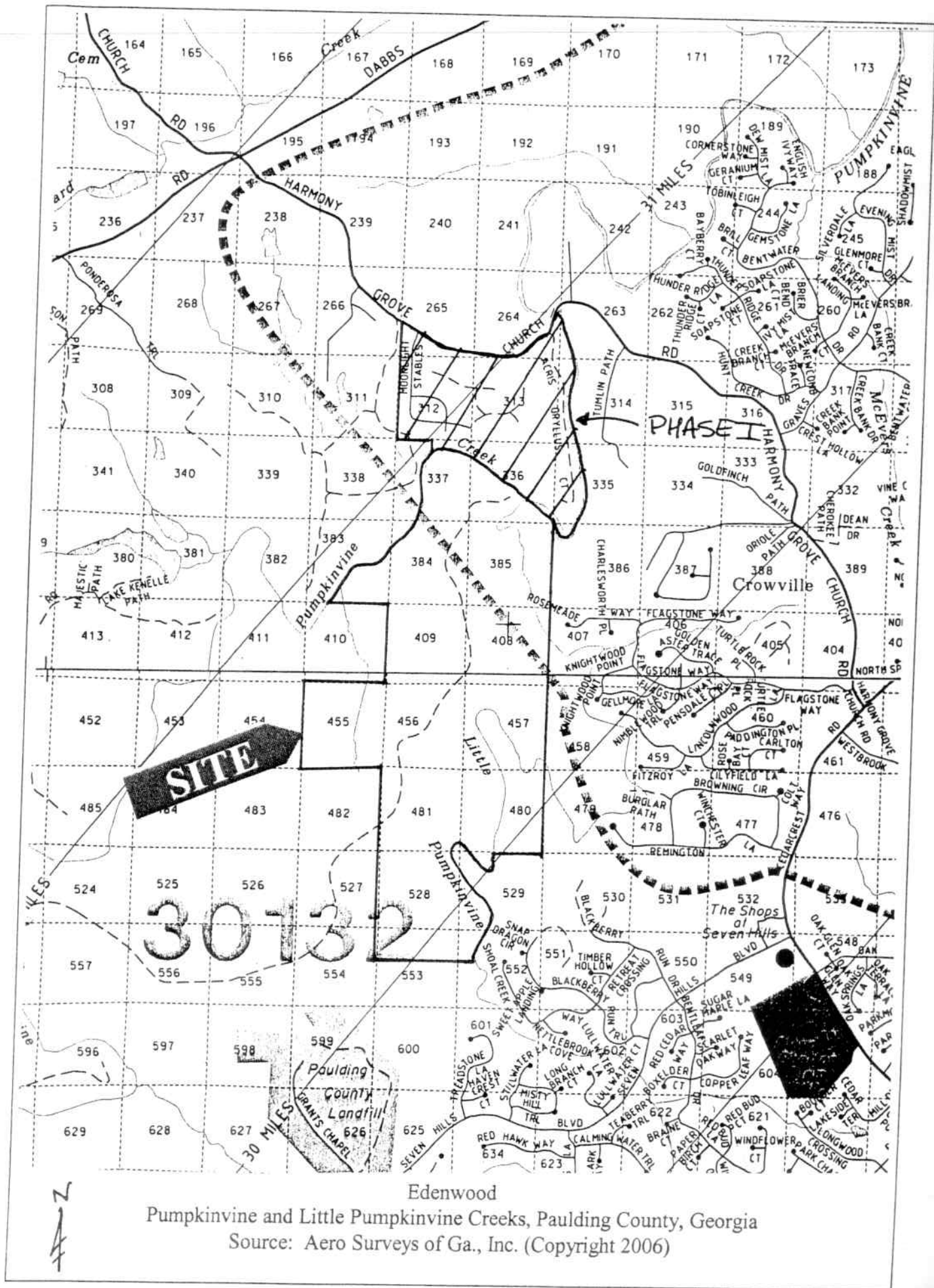
Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the US Army Corps of Engineers, Savannah District, Piedmont Branch, Attention: Mr. Justin Hammonds, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (Fairgreen Development) and the application number (200602376) in your comments.

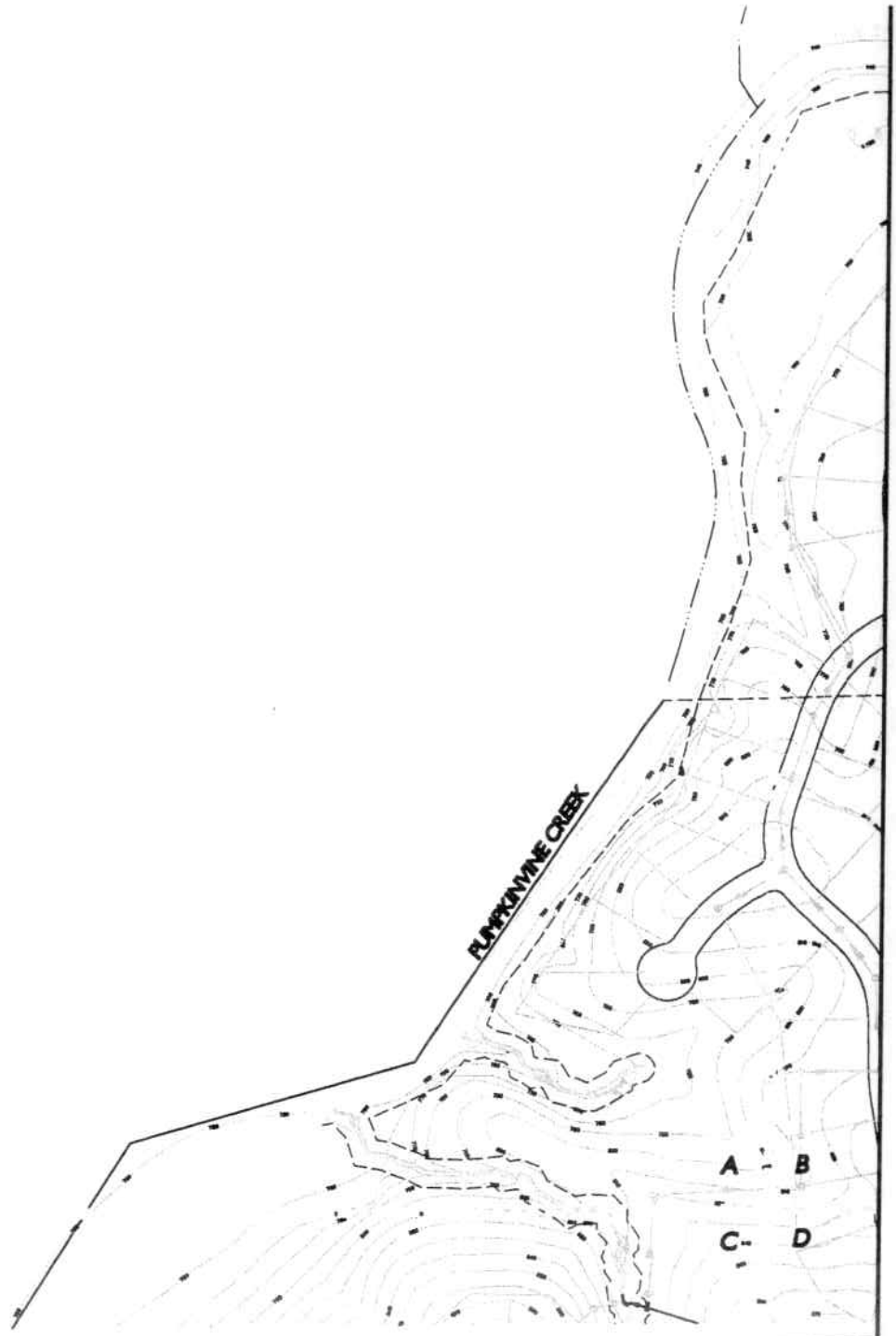
If you have any further questions concerning this matter, please contact Mr. Justin Hammonds at (770) 904-2365.

2 Enclosures

Figure 1: Location Map (1 page)

Figure 2: Wetland Impact Drawings (8 pages)





Hayes James

ENGINEERS, PLANNERS & SURVEYORS

1009 NORTH TENNESSEE
CARTERSVILLE, GEORGIA 30120
TEL: (770) 382-8611 FAX: (770) 382-9790

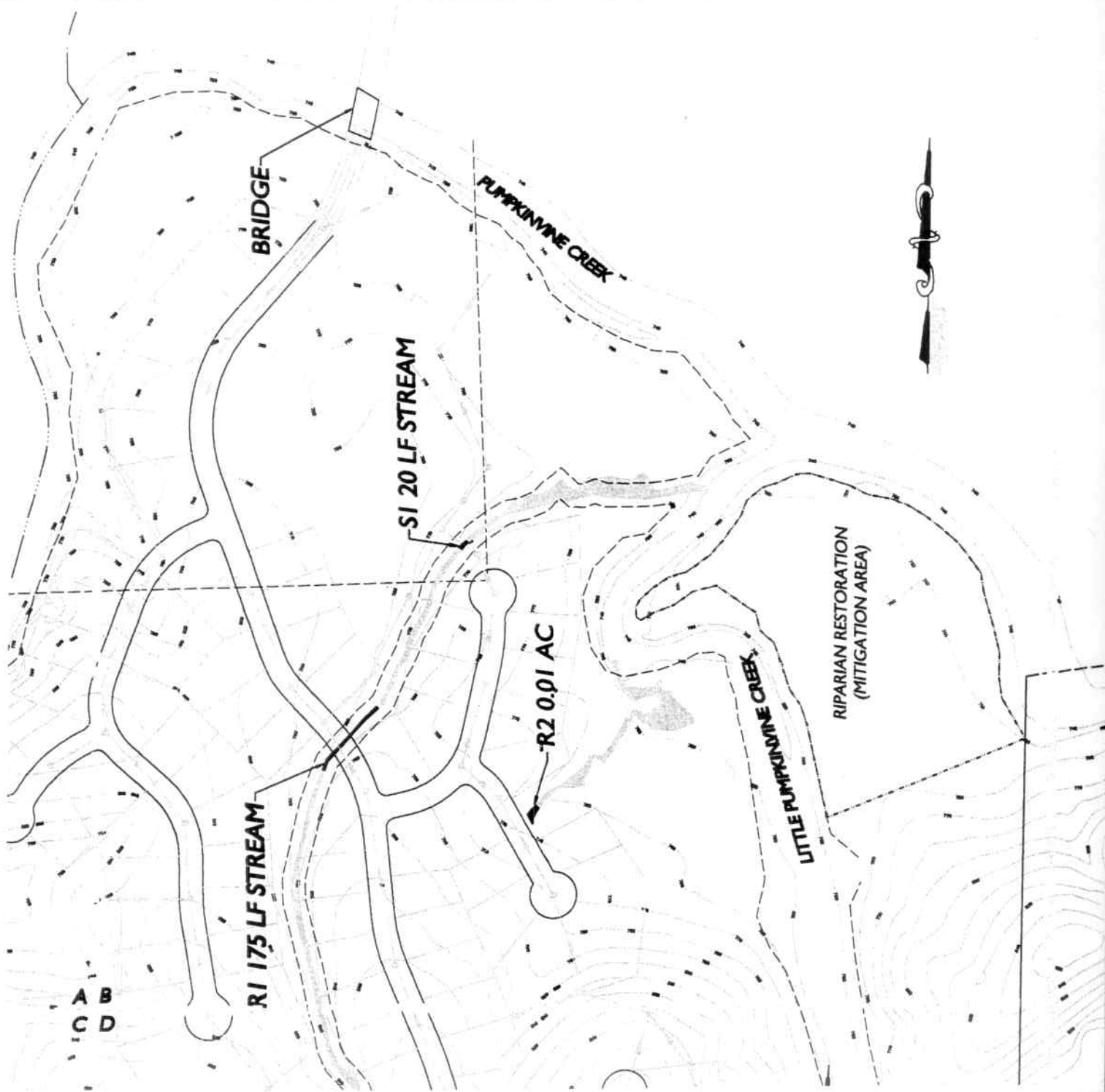
Client:
**FAIRGREEN
DEVELOPMENT**

Project Title:
**EDENWOOD PHASE 2
WETLAND IMPACTS**

KEY MAP

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| C | D |
| E | F |
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| COUNTY: | PAULDING | STATE: | GEORGIA |
| DATE: | 05-23-07 | | |
| SCALE: | 1"=300' | | |
| DRAWN BY: | CSW | | |
| CHECKED BY: | JCL | | |
| PROJECT No.: | 05-035 | | |



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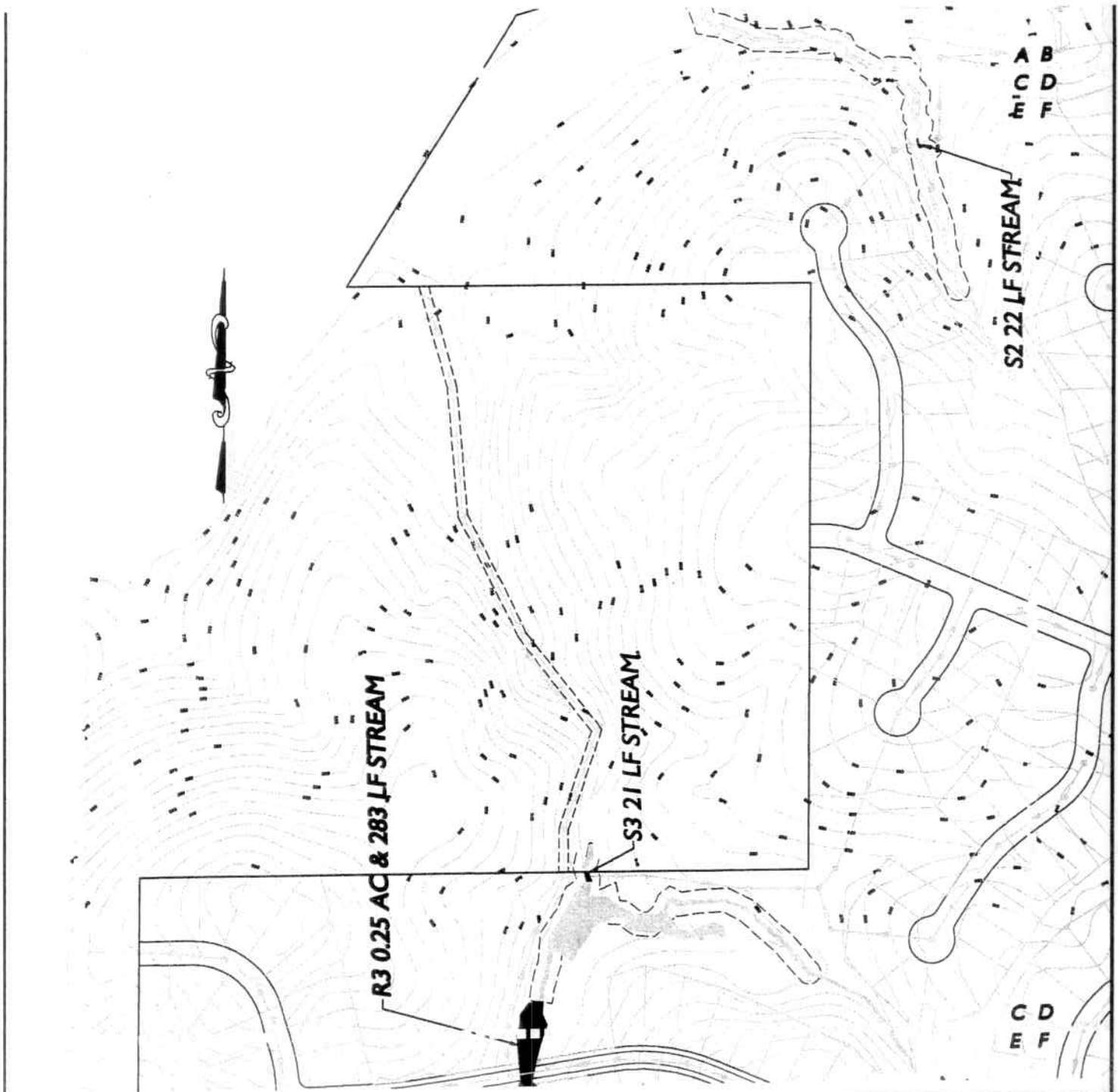
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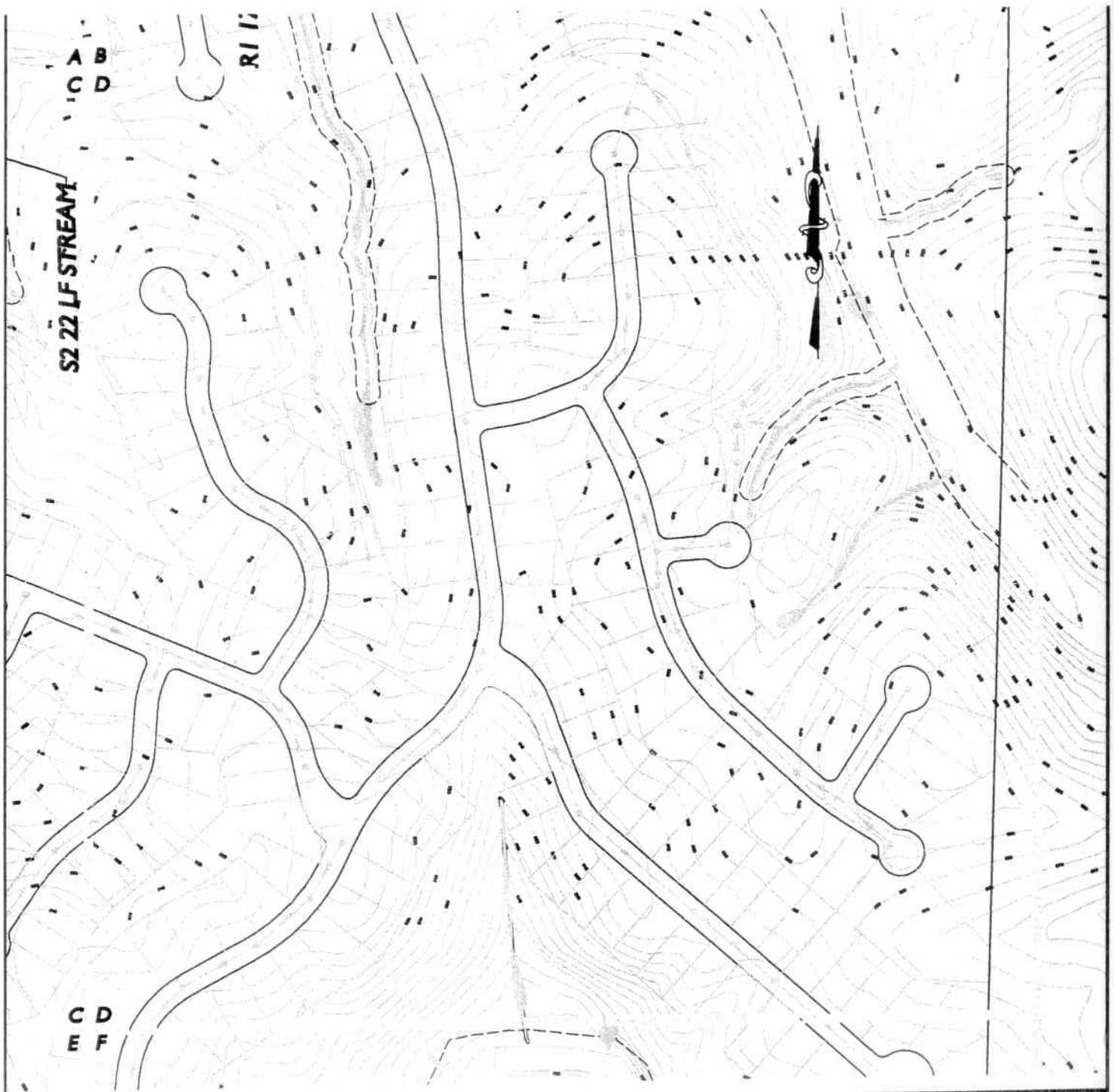
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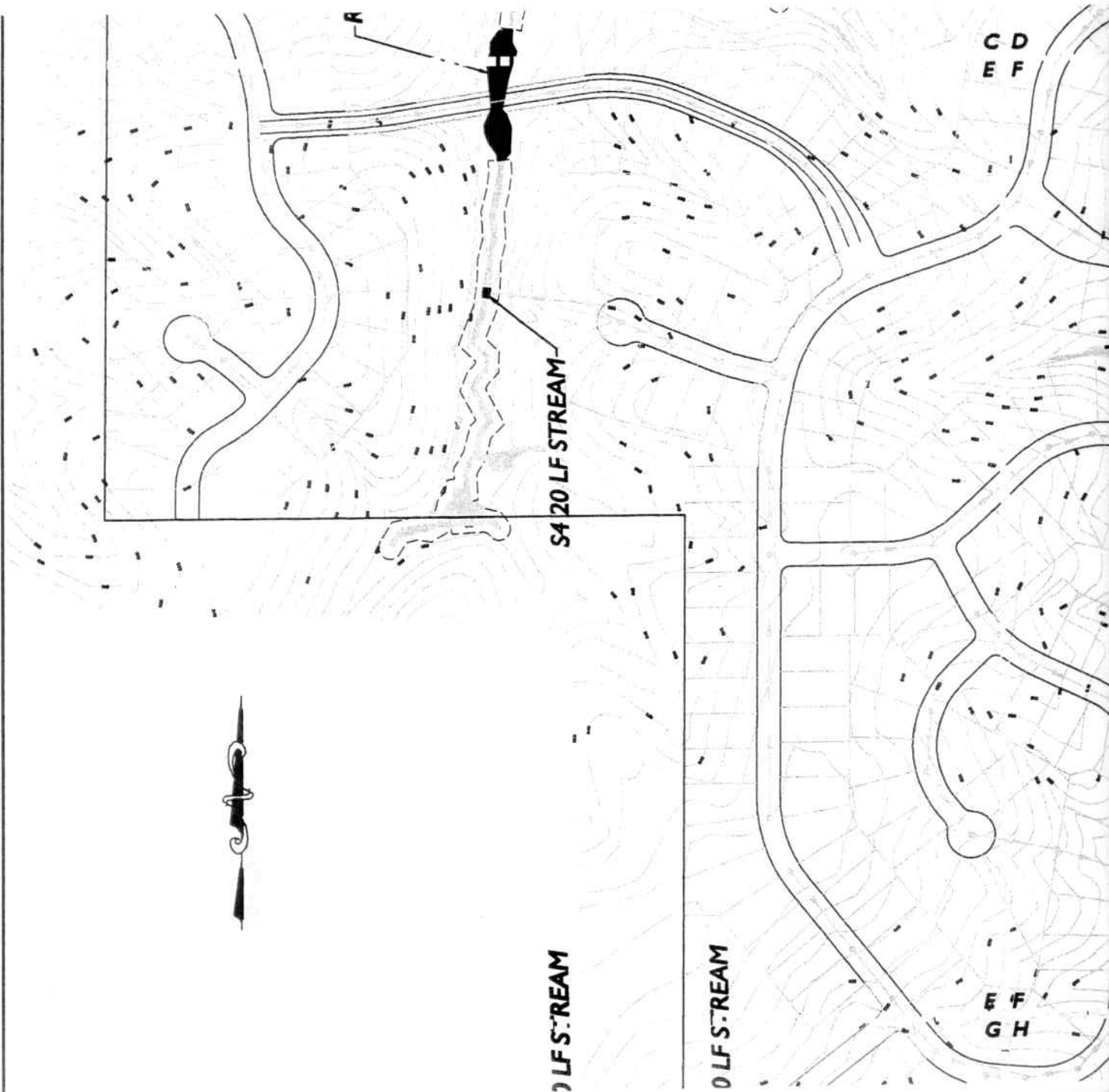
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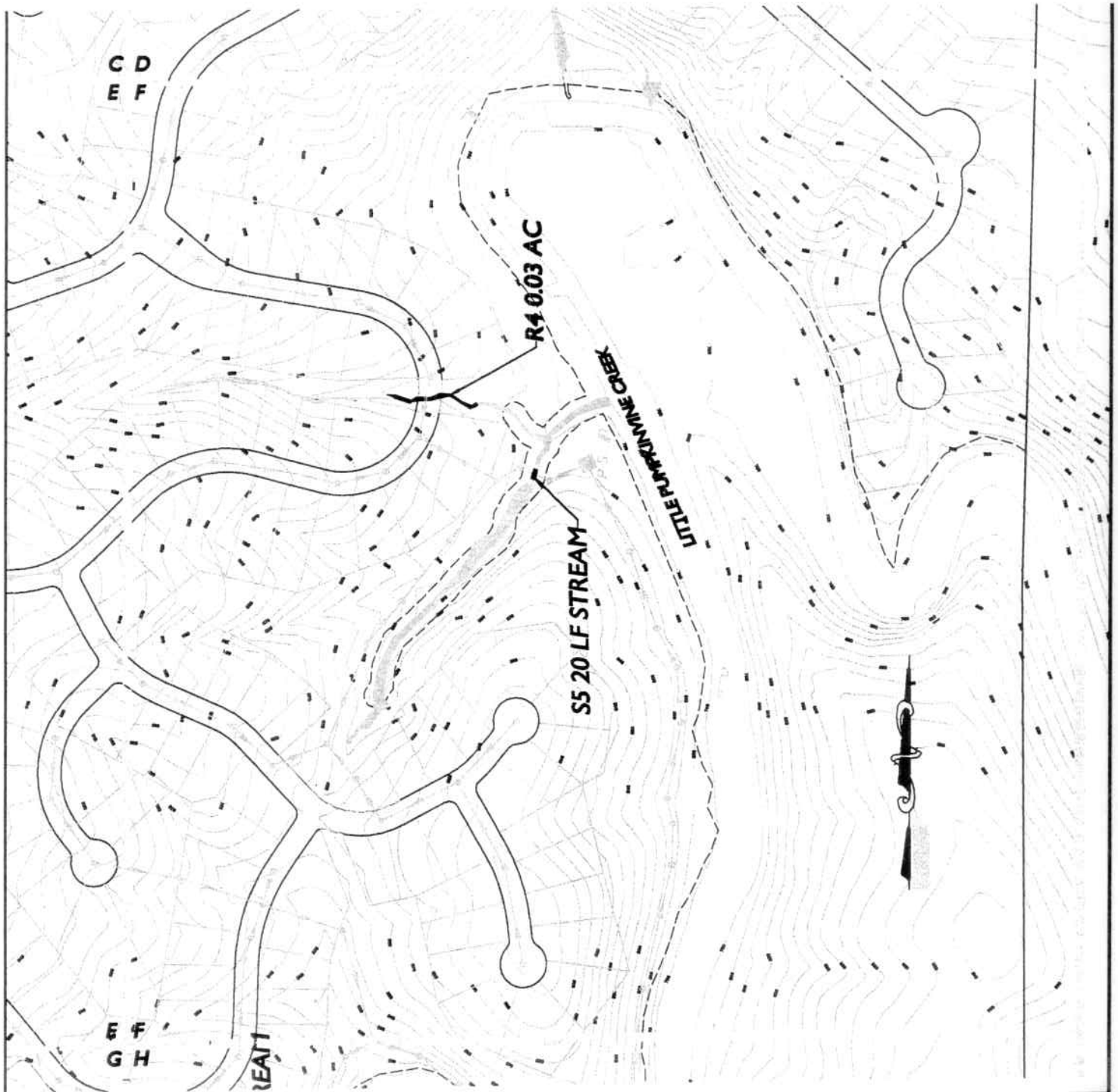
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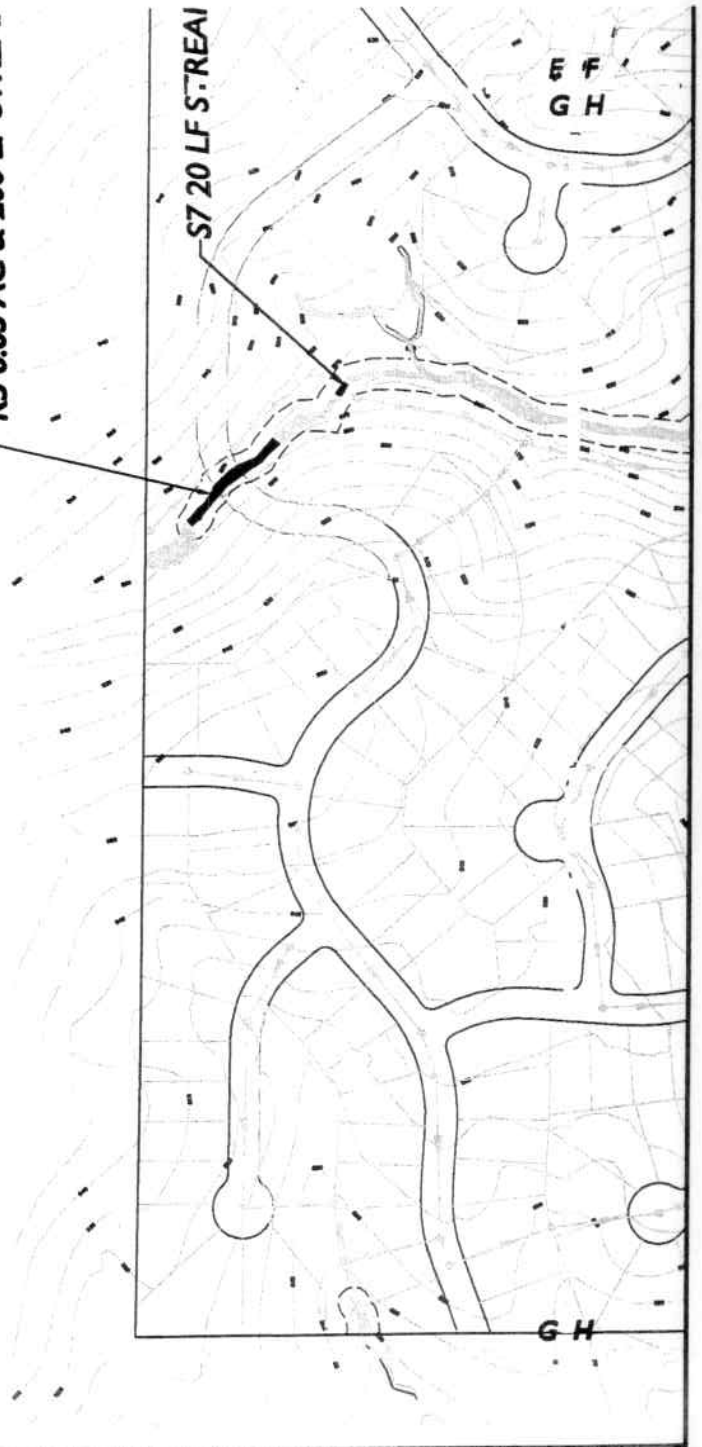
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R5 0.05 AC & 200 LF STREAM

S7 20 LF STREAM



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